

APR 29 2004
Appl. No. 09/890,364
Brief on Appeal
TRADE

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Appl. No.: 09/890,364

Applicant(s): Paulus Cornelius Duineveld,
et al.

Filed: July 30, 2001

Title: ORGANIC ELECTROLUMINESCENT DEVICE AND
A METHOD OF MANUFACTURING THEREOF

TC/A.U.: 2800/2879

Examiner: S. Leurig

Atty. Docket: PHN-17,755

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On: 026 April 2004

By: *Michelle Weigoss*
Michelle Weigoss

BRIEF ON APPEAL BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

Honorable Assistant Commissioner of Patents

05/12/2004 TDANKINS 00000001 500238 09890364

01 FC:1251 110.00 DA
Alexandria, VA 22313-1450

Sir:

In connection with the Notice of Appeal filed on January
27, 2004, Applicants provide the following Brief on Appeal in
triplicate in the above captioned application.

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FC:1402 330.00 DA

the Office's position. If the assertion of inherency is based on the personal knowledge of the Examiner, and affidavit under 37 C.F.R. 1.104(d) (2) is respectfully requested. In absence of either the extrinsic evidence or the affidavit the claim of inherency should be withdrawn.

Applicants maintain the assertions of the impropriety of the combination of *Nagayama, et al.* and *Illegems, et al.* set forth in a previous response. Accordingly, while no way conceding as to the propriety of the rejections set forth in the Office Actions, or the propriety of the combination of the applied references set forth in the Office Actions, Applicants respectfully submit that the applied art lacks a teaching of at least one of the features of claims 1 and 5.

For at least the reasons set forth above, it is respectfully submitted that the Office has failed to establish a *prima facie* case of obviousness under 35 U.S.C. under 35 U.S.C. § 103(a). As such, claims 1 and 5, and the claims that depend therefrom are allowable over the applied art. Allowance is earnestly solicited.

Conclusion

In view of the foregoing, applicant(s) respectfully request(s): the withdrawal of all objections and rejections of record; the allowance of all the pending claims; and the holding of the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for

any additional fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact William S. Francos, Esq. (Reg. No. 38,456) at (610) 375-3513 to discuss these matters.

Respectfully submitted on behalf of:
Philips Electronics North America Corp.

A handwritten signature in black ink, appearing to read 'Will S. Francos', followed by a long horizontal line extending to the right.

by: William S. Francos (Reg. No. 38,456)

Date: April 26, 2004
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